

**DECLARATION  
AND POWER OF ATTORNEY  
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SYSTEM AND METHOD FOR PROVIDING BROADCAST MATERIAL HISTORY** the specification of which

(Check One) ☐ is attached hereto OR  
☒ was filed on September 29, 1998 as United States Application Serial No. 09/163,292.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

POWER OF ATTORNEY: I, [redacted] named inventor, I hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; and F. T. Alexandra Mahaney, Reg. No. 37,668; and

Daniel N. Yannuzzi, Reg. No. 36,727.

Send Correspondence to: Robert C. Laurenson	LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071	Direct Telephone calls to: Robert C. Laurenson Telephone No.: (619) 552-8400, x 5545
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Residence, post office address, citizenship and signature of inventor(s) set forth beginning on next page.

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T O E T T " 445501

1005344-11301

	FULL NAME OF INVENTOR	FIRST Name Gregory	MIDDLE Initial B.	LAST Name Mackintosh	
201	RESIDENCE & CITIZENSHIP	City Roselle	State or Foreign Country IL	Country of Citizenship U.S.A.	
	POST OFFICE ADDRESS	10 Meadowlark Ct.	City Roselle	State or Country IL	Zip Code 60172
	FULL NAME OF INVENTOR	FIRST Name Mike	MIDDLE Initial H.	LAST Name Kim	
202	RESIDENCE & CITIZENSHIP	City Naperville	State or Foreign Country IL	Country of Citizenship U.S.A.	
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	FULL NAME OF INVENTOR	FIRST Name Edwin	MIDDLE Initial C.	LAST Name Price	
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	POST OFFICE ADDRESS	3270 N. Lake Shore Drive, #14F	City Chicago	State or Country IL	Zip Code 60657
	FULL NAME OF INVENTOR	FIRST Name Edward	MIDDLE Initial C.	LAST Name Stojakovic	
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	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name	
205	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	POST OFFICE ADDRESS		City	State or Country	Zip Code
	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name	
206	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	POST OFFICE ADDRESS		City	State or Country	Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor	201
Date 11/18/98	
Signature of Inventor	202
Date 11/18/98	
Signature of Inventor	203
Date 12/2/98	

Signature of Inventor	204
Date 18 Nov 1998	
Signature of Inventor	205
Date	
Signature of Inventor	206
Date	

(Signatures should conform to names as presented at 201 et seq. above.)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gregory Mackintosh et al

Atty Docket No. ROK-003.01

Serial No. 09/163,292

Filed: September 29, 1998

For: SYSTEM AND METHOD FOR PROVIDING BROADCAST MATERIAL  
HISTORY

**REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY**

Assistant Commissioner for Patents  
And Trademarks  
Washington, D.C. 20231

Dear Sir:

Assignee hereby revokes all previous powers of attorney in regard to the above-identified patent applications and appoints:

Edward J. Kelly, Reg. No. 38,936  
Beth E. Arnold, Reg. No. 35,430  
Isabelle Clauss (Special Consideration)  
Kirk Damman, Reg. No. 42,461  
Stephen B. Deutsch, Reg. No. P-46,663  
Jason Gish, Reg. No. 42,581  
Dana Gordon, Reg. No. 44,719  
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Wolfgang E. Stutius, Reg. No. 40,256  
Kingsley L. Taft, Reg. No. 43,946  
Anita Varma, Reg. No. 43,221  
Sharon M. Webb, Reg. No. P-47,172

**Foley, Hoag & Eliot LLP**  
One Post Office Square  
Boston, Massachusetts 02109  
Telephone (617) 832-1000

to represent the Assignee in connection with the above-referenced patent applications and to transact all business related thereto in the United States Patent and Trademark Office and to receive the Letter Patents issued therein.

RadioWave.com, Inc.

Date: 9/18/01



Signature

Place: CHICAGO, IL, USA

Typed Name: David A. Marcus, Esq.

Title: Vice President

1055347 "435001  
REF ID: A435001

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

Docket Number (Optional)  
ROK-00301

Applicant or Patentee: MACKINTOSH  
Serial or Patent No.: 09/163,292  
Filed or Issued:

Title: A SYSTEM FOR USING PROGRAM DATA WITH PARAMETERS FROM CURRENT AND PREVIOUS RADIO BROADCAST MATERIALS FOR REQUESTING AND COORDINATING THE PRESENTATION OF SUPPLEMENTAL MATERIALS

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN RadioWave.Com  
ADDRESS OF SMALL BUSINESS CONCERN 224 N. Desplanes; 3rd Floor; Chicago, IL 60661

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern with would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David Marcus  
TITLE OF PERSON IF OTHER THAN OWNER VP, Business Development & Legal Affairs  
ADDRESS OF PERSON SIGNING 224 N. Desplanes; 3rd Floor; Chicago, IL 60661

SIGNATURE 

DATE 8/30/01